

SPECIAL PRESENTATION

REDISTRICTING AREAS 3 AND 4

by

Maxine Calloway, CP&D Director

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., AICP, Director, Community Planning & Development

Date: January 10, 2012

Single-Member District Configuration Based on 2010 Census Data

RECOMMENDATION

That the City Council endorses staff's recommendation to retain the City's overall deviation of 4.85% and not commission a redistricting study to reconfigure the Council Districts.

BACKGROUND INFORMATION

In a regularly scheduled public hearing of the Planning Commission held on December 4, 2001, the consulting firm of Bilzin, Sumberg, Dunn, et al., and Mr. George Meier, Redistricting Expert, presented general information regarding the City's single-member district configuration. According to the Expert, in order to meet the standard of "one person, one vote," the Court has stated the overall deviation within districts shall not exceed 10%.

Based on the 2000 Census information, the City of North Miami had a total population of 59,880. If the City's four districts were mathematically precise, each Council district would have 14,970 persons, which is the total population of the City (59,880) divided by four. The City's actual statistics at the time of the 2002 reconfiguration were as follows:

2000 Population 59,880			
Ideal District Population 14,970			
District	Population	Deviation Over or Under the Ideal Population of 14,970	Deviation %
1	15,421	451	3.01%
2	15,158	188	1.26%
3	15,141	171	1.14%
4	14,160	-810	-5.41%
Total Deviation			8.42%

Based on the numbers above, the City's overall deviation at the time was approximately 8.5% (within the permitted maximum of 10% deviation). As a result, by law, the City at the time was not required to reconfigure its districts. However, during the Council meeting, the consultants recommended moving 451 persons in three blocks from District 3 to District 4. The move improved the City's overall deviation which decreased from 8.5% to 5.41%. The change did not adversely impact any of the protected class, nor substantially changed the demographic profile of any of the districts. Below are the new actual numbers adopted by the Council in 2002.

2000 Population 59,880			
Ideal District Population 14,970			
District	Population	Deviation Over or Under the Ideal Population of 14,970	Deviation %
1	15,421	451	3.01%
2	15,158	188	1.26%
3	14,690	-280	-1.87%
4	14,611	-359	-2.40%
Total Deviation			5.41%

The City is now in receipt of the 2010 Census Data which shows a total population of 58,786 people, a decrease from the 2000 census figures. If the City's four districts were mathematically precise, each Council district would have 14,697 persons, which is the total population of the City (58,786) divided by four. Based on the City's actual statistics below, the City's overall deviation is approximately 4.85% (within the permitted maximum of 10% deviation). As a result, by law, the City is not required to reconfigure its districts. See table below.

2010 Population 58,786			
Ideal District Population 14,697			
District	Population	Deviation Over or Under the Ideal Population of 14,697	Deviation %
1	14,729	32	0.22%
2	14,376	-321	-2.18%
3	15,090	393	2.67%
4	14,591	-106	-0.72%
Total Deviation			4.85%

Since the deviation of 4.85% is way below the adopted 2002 deviation of 5.41% and dramatically lower than the actual 2000 deviation of 8.42%, it is staff's recommendation that the City accept the deviation of 4.85% and not commission a reconfiguration of the Districts.

CONCLUSION

Staff is of the opinion that since the deviation of 4.85% is within the permitted State mandated maximum of 10% and is the lowest deviation the City has had in 10 years, that the Council should accept staff's recommendation to accept the data and not commission a reconfiguration of the Districts.

MAC/mc

Attachments

1. Ordinance adopting 2002 Reconfiguration

ORDINANCE NO. 1098

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE BOUNDARIES OF CITY COUNCIL DISTRICTS NUMBERED THREE AND FOUR IN ORDER TO DECREASE THE DEVIATION IN POPULATION TOTALS AS REFLECTED IN THE YEAR 2000 FEDERAL CENSUS; PROVIDING FOR REPEAL, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to City Charter Article II, Section 5, the Mayor and City Council shall, by Ordinance, establish the districts regarding single-member councilperson representation; and

WHEREAS, the City's consultant has reviewed all applicable Year 2000 Census data, and the City's Planning Commission has recommended an amendment to the District Boundaries of Districts 3 and 4 in order to reduce the deviation in population between the City's four districts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI:

Section 1. That the district boundaries for Districts 3 and 4 in the City of North Miami are amended pursuant to the Single-Member District Map and accompanying 2000 U.S. Census Block Description, attached as composite Exhibit "A," and incorporated in this Ordinance.

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent herewith are repealed.

Section 3. Severability. If any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this Ordinance.

Section 4. Effective Date. This Ordinance shall be effective upon adoption, and shall be applicable commencing with the City of North Miami general election scheduled for May, 2003.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council on first reading
this 22 day of January, 2002.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council on second
reading this 12 day of February, 2002.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Date: ~~January 22, 2002~~ February 12, 2002 (Second Reading)

To: City Council

From: Planning Commission

P.H. 01-05: SINGLE-MEMBER DISTRICT CONFIGURATION

RECOMMENDATION

The Planning Commission recommends the City Council adopt the attached proposed Ordinance reconfiguring Council Districts 3 and 4.

BACKGROUND

At a Special Meeting held by the Planning Commission on December 4, 2001, the consulting firm of Bilzin, Sumberg, Dunn, et al., and Mr. George Meier, Redistricting Expert, presented general information regarding the City's single-member district configurations. According to Mr. Meier, in order to meet the standard of "one person, one vote," the Court has stated the overall deviation within districts shall not exceed 10%.

If the City's four districts were mathematically precise, each Council district would have 14,970 persons, which is the total population of the City (59,880) divided by four. The City's actual statistics are as follows (please refer to the attached table, entitled, "*City of North Miami Statistics for Proposed Districts, Plan 11/29/01*":

District	Population	Deviation Over or Under the Ideal Population of 14,970	Deviation
1	15,421	+451	+3.01%
2	15,158	+188	+1.26%
3	14,690	-280	-1.87%
4	14,611	-359	-2.4%

Based on these numbers, the City's overall deviation is approximately 8.5% (within the permitted maximum of 10% deviation). As a result, by law, the City is not required to reconfigure its districts. However, the consultants recommended moving 451 persons in three blocks from District 3 to District 4. This would improve the City's overall deviation by decreasing same from 8.5% to 5.41%. The change would not adversely impact any of the protected classes, nor substantially change the demographic profile of any of the districts. Further, none of the incumbents would be moved from one district to another.

Respectfully submitted,



Elbert L. Waters

Director of Community Planning and Development

Attachments: 1) Planning Commission Report
2) Proposed Ordinance

ELW/NZ/nz



Date: December 4, 2001

To: Planning Commission

From: Elbert L. Waters, Director
Community Planning & Development Department

**P.H. 01-05: RECOMMENDATION REGARDING SINGLE-MEMBER DISTRICT
CONFIGURATION**

BACKGROUND

Public Meetings on the 2001 Redistricting Process were held, City-wide, on October 24th, November 5th, November 7th, and November 20, 2001. Facilitators of the public meetings included representatives from the consulting firm of Bilzin, Sumberg, Dunn, et al., and Mr. George Meier. The facilitators provided information on the federal and statutory provisions related to the redistricting process, as well as other pertinent information. A redistricting binder was also distributed to each Planning Commission member.

Pursuant to the City's Code of Ordinances, Section 6-78(g), "the Planning Commission shall review the official U.S. Census results anticipated to be available in the year 2000 and thereafter, and shall recommend any necessary revisions to the single-member district configuration upon the basis of such review." In order to assist with this process, representatives from the consulting firm will make a presentation before the Planning Commission.

ELW/NZ/nz

TO: The Members of the City of North Miami Planning Commission

FROM: Norman C. Powell, Esq.
Andrew W. J. Dickman, Esq.

DATE: December 4, 2001

RE: Legal Overview Regarding the City of North Miami Council, Redistricting

The law governing reapportionment and redistricting¹ of state and local legislative districts implicates various legal principles from different sources. The sources include the United States Constitution, Florida Constitution, and Federal statutes -- as interpreted by certain court rulings. As such, the rules governing the redistricting process can often seem confusing and, at times, may seem contradictory.

This document will summarize the applicable law governing reapportionment and redistricting. This overview is simply designed as a tool to provide each of you with a working knowledge of the basic terms and concepts you will need to effectively participate in the redistricting process.

The basic redistricting tenets are as follows:

1. The four council districts must be contiguous and consecutively numbered;
2. Each council district must contain roughly equal population within the deviation permitted under case law;
3. The council must not engage in racial gerrymandering; and
4. The new council districts must not dilute the votes of minority communities.

This overview is divided into three sections. The first section discusses the constitutional mandate to reapportion and the rules contained in the Florida Constitution regarding

¹ The concept of reapportionment and redistricting are distinct. Reapportionment refers to the process of proportionally reassigning a given number of seats in a legislative body, i.e. 435 seats in the U.S. House of Representatives, to established districts, i.e. amongst the states, based on an established formula. Redistricting refers to the process of changing the boundaries of any given legislative district.

redistricting. The second section deals with the role of race in the redistricting process, including a discussion of the Equal Protection Clause and the Voting Rights Act.

I. Constitutional Mandate to Redistrict and Reapportion.

This redistricting is a process required by the United States Constitution and North Miami City Ordinance. The City of North Miami ("City") must redistrict after the decennial census. See, Article IV., Section 6-78(g), North Miami: Code of Ordinances.

By April 1 of the year following the census enumeration, the Secretary of Commerce provides a detailed population report to the governor and the majority and minority leaders of each house of the State Legislature. These reports provide the basis for Federal, state and local government decennial redistricting plans. They contain census maps and electronic files breaking down population data by blocks, census tracts, voting districts, and the corporate limits of towns, cities, and counties. The information also contains population totals by race, Hispanic origin, and voting age. See Public Law 94-171.

A. Court Imposed Requirement to Reapportion; Population Differences Amongst Districts.

In addition to the specific requirement to redistrict contained in Article IV, the City is obligated to redistrict based on the judicial principle: one-person, one-vote. *Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964). In *Reynolds*, the United States Supreme Court held that the Fourteenth Amendment required that seats in state legislatures be reapportioned on a population basis. The *Reynolds* Court concluded:

... the basic principle of representative government remains, and must remain, unchanged - the weight of a citizen's vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies ... The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races. We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. 377 U.S. at 568.

The *Reynolds* Court concluded that decennial reapportionment was a rational approach to readjust legislative representation to take into consideration population shifts and growth. 377 U.S. at 584. Any less frequent readjustment would be constitutionally suspect.

In addition to requiring state's to redistrict, the principle of one-man, one vote, also stands for the proposition that each person's vote should count as much as anyone else's vote. Several U. S. Supreme Court cases struck down the practice in several states of maintaining districts for state legislative offices that were substantially different in population, such as an urban district containing 250,000 people electing one representative to the State House of Representatives, and a rural district in the same state containing 75,000 people also electing one representative to the State House of Representatives. The Supreme Court concluded that these types of differences in district populations resulted in each vote in the district with the smaller population carrying more weight than a vote in the larger district.

The "one person, one vote" cases forbid these discrepancies in the creation of districts. Congressional districts within a state must be as nearly equal in population as practicable. *Wesberry v. Sander*, 376 U.S. 1 (1964).² The Supreme Court has recognized that there may be practical difficulties or some justifiable reasons why exact or precise mathematical equality amongst congressional districts has not been achieved.³ Any deviation, however, from the standard of exact mathematical equality no matter how small must be justified by the State. As a rule of thumb, the population difference amongst the largest and smallest congressional districts in one state often approaches zero.

² The courts have imposed the strictest standard on congressional districts because near equality amongst congressional districts is found in Article 1, s 2, of the United States Constitution. The Supreme Court stated in *Wesberry* "the command of Art. 1, s 2, that Representatives be chosen 'by the People of the several States' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." 376 U.S. at 7-8.

³ Specifically, if a plaintiff can establish that a redistricting plan is not the product of a good-faith effort to achieve population equality, then the burden shifts to the state to prove that the population deviations in its plan were necessary to achieve some legitimate state objective. *Karcher v. Daggett*, 462 U.S. 725 (1983). In *Karcher*, the Supreme Court recognized several legislative policies that if consistently applied might justify a variance in population amongst congressional districts, including crafting compact districts, respecting municipal boundaries, preserving the cores of prior districts, and avoiding contests amongst incumbents. The Court in *Karcher* held that New Jersey's congressional redistricting plan violated Article 11, s. 2, even with an overall deviation between the largest and smallest congressional districts of .6984 percent (3,674 people). The Court found that the plaintiffs carried their burden to prove that State did not undertake a good-faith effort to reduce as much as practical the deviation amongst districts and the State failed to prove that the differences were justifiable.

For local or legislative districts, the courts have permitted a greater population deviation amongst districts. The Supreme Court, in *Reynolds*, held that all that is necessary when drafting state legislative districts is achieving "substantial equality of population among the various districts." *Id.* at 579. The phrase "substantial equality of population" generally means that a legislative plan will not violate the Equal Protection Clause if the difference between the smallest and largest district is less than ten percent. *Chapman v. Meier*, 420 U.S. 1 (1975); *Connor v. Finch*, 431 U.S. 407 (1977); *Brown v. Thomson*, 462 U.S. 835, 842-43 (1983)

II. Race and Reapportionment.

The Federal courts have emphasized on numerous occasions that reapportionment is primarily the duty and responsibility of the legislative branch or other body, rather than the courts. *Chapman v. Meier*, 420 U.S. 1, 27 (1975). As a result, Federal courts are careful to respect a states' reapportionment and redistricting decisions, unless those decisions violate the Constitution or Federal law. *Voinovich v. Quilter*, 507 U.S. 146 (1993). Generally, the courts have intervened in the redistricting choices of state legislatures for two reasons: (i) to cure violations of the Equal Protection Clause, and (ii) to redress violations of the Voting Rights Act.

A. Equal Protection Clause and Strict Scrutiny.

After the 1990 census and reapportionment and redistricting process, the United States Supreme Court decided a series of cases interpreting the role of the Equal Protection Clause⁴ and race in the reapportionment process. *Hunt v. Cromartie*, 526 U.S. 541 (1999); *Abrams v. Johnson*, 521 U.S. 74 (1997); *Bush v. Vera*, 517 U.S. 952 (1996); *Shaw v. Hunt*, 517 U.S. 899 (1996) (Shaw II); *Miller v. Johnson*, 515 U.S. 900 (1995); *Johnson v. De Grandy*, 512 U.S. 997 (1994); *Shaw v. Reno*, 509 U.S. 630 (1993) (Shaw I). Generally, the Court held in these cases that, when race was the predominant factor in the creation of a district, the creation of that district was subject to "strict scrutiny" review by the courts and would, in most circumstances, violate the Equal Protection Clause.

"Strict scrutiny" is the most stringent legal standard applied to the judicial review of a state act alleged to violate the constitution. Strict scrutiny is one of the three basic levels of

⁴ The Equal Protection Clause of the Fourteenth Amendment states "... nor shall any State ... deny to any person within its jurisdiction the equal protection of the laws."

judicial review applied to allegedly unconstitutional state action - rational basis review, intermediate review, and strict scrutiny review. These different levels of judicial review are used by the courts to balance the competing interests of the individual and the state often reflected in constitutional case law, and is a recognition that the protections afforded by the Constitution are not absolute. Based on how close the alleged impairment of a constitutional right is to the core of the protections afforded by that right, the courts will apply a more relaxed or a more stringent level of review.

The Equal Protection Clause does not prohibit the creation of districts conscious of the race of the majority of voters in the district. *Vera*, 517 U.S. at 972. The Court has explained that the Equal Protection Clause does demand the application of strict scrutiny when race constitutes the principal reason for the shape of the district. If the state can prove that either (i) a majority-minority district can be explained by race-neutral factors; i.e., race was not the predominate factor in the creation of the district, or (ii) the reasons for creating a majority-minority district are narrowly tailored to serve a compelling state interest, then the district will survive strict judicial scrutiny.

i. Predominant Factor Test: Race-Neutral Justifications.

As stated above, the Supreme Court has determined that a legislative district is subject to strict scrutiny if race was the predominant factor in the creation of the district. The Supreme Court has articulated various formulations of the "predominant factor" test. Legislative action to establish new legislative districts is subject to strict scrutiny if:

- "...redistricting legislation ... is so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles. *Shaw I*, 509 U.S., at 642
- "... race for its own sake, and not other districting principles, was the legislature's dominant and controlling rationale in drawing its district lines." *Miller*, 515 U.S. at 916.
- "... the legislature subordinated traditional neutral districting principles ... to racial considerations." *Miller*, 515 U.S. at 916.

- "... the State has relied on race in substantial disregard of customary and traditional districting practices." *Miller*, 515 U.S. at 928 (O'Connor, J., concurring).

In *Hunt v. Cromartie*, 526 U.S. 541 (1999), the Court addressed the issue of whether a majority-minority district may escape strict scrutiny review if the state can establish that the shape of the district was predominately due to non-racial factors, which factors happen to also have a strong correlation with race. The appellees in *Cromartie* filed an injunction to prevent state officials from conducting an election based on districts created in 1997 after the Supreme Court's decision invalidating the North Carolina Twelfth Congressional District. The District Court granted the appellees' motion for summary judgment, concluding that the "uncontroverted material facts" proved that "the General Assembly, in redistricting, used criteria with respect to District 12 that are facially race driven." *Id.* at 545. At the hearing on the motion for summary judgment, the State presented evidence in the form of three affidavits delineating the state's contention that factors other than race explained the shape of the district; namely, political gerrymandering to create a strong Democratic district.

The evidence presented by the state included two affidavits by the legislators predominately responsible for the creation of the district. They asserted that in drawing the district "they attempted to protect incumbents, to adhere to traditional districting criteria, and to preserve the existing partisan balance in the State's congressional delegation." *Id.* at 549. In addition, the state presented an expert's affidavit analyzing the actual voting patterns throughout the district and in the areas bordering the district. He concluded that race had a direct correlation with voting patterns and political identification. The creation of a strong Democratic district, therefore, may result in a district with a disproportionate number of African-Americans. In this specific case, the expert found that the State "included the more heavily Democratic precinct much more often than the more heavily black precinct." *Id.*

The Court held that summary judgment was inappropriate because the legislature's motivation was a material factual question that was in dispute at the District Court. In order to apply strict scrutiny review, the Court requires a finding that race was the "predominant factor" motivating the legislature's districting scheme. *Id.* at 551. The Court recognized that a state may "engage in constitutional political gerrymandering, even if it so happens that the most loyal

Democrats happen to be black Democrats and even if the State were *conscious* of that fact." *Id.* (emphasis in original).

ii. Compelling Interest and Narrow Tailoring.

The Supreme Court has attempted to articulate concrete standards to determine if a state's redistricting plan survives strict scrutiny review. The Court has found a compelling state interest in two circumstances: (i) remedying discrimination and (ii) complying with the Voting Rights Act, 42 U.S.C. §§1971 et seq. (2000)(the state interest in complying with the Voting Rights Act is discussed in Section IV). In order to sustain an argument that the state has a compelling interest in designing a racially gerrymandered district to remedy discrimination, the state must prove the following: (i) that the discrimination it seeks to remedy is specific and identifiable discrimination, and (ii) it has a "strong basis in evidence" to conclude that remedial action was necessary before it embarks to correct the problem.

If the state can prove it has a compelling interest, then the remedy (the majority-minority district) must be narrowly-tailored, which in this context the Court has determined means "the State employs sound districting principles, and ... the affected racial group's residential patterns afford the opportunity of creating districts in which they will be in the majority" Shaw I, 509 U.S. at 657 (internal quotations marks omitted).

iii. Race-Neutral/Traditional Redistricting Criteria.

The courts have encouraged states to use traditional redistricting principles in designing legislative districts. The courts have identified the following as traditional redistricting principles:

- Natural geographic boundaries;
- Contiguity;
- Compactness;
- Conformity to the boundaries of political subdivisions and administrative units (precinct boundaries).

Generally, if the shape of the district can be explained by a traditional redistricting principle, the courts are unlikely to declare the district unconstitutional.

The courts, however, do not mandate the use of these traditional redistricting principles. The Supreme Court has repeatedly stated that a compact and "regular looking" district is not a Federal constitutional obligation. *Gaffney v. Cummings*, 412 U.S. 735, 752 n. 18 (1973) (district "compactness or attractiveness has never been held to constitute an independent Federal requirement"). In *Shaw I*, the Court acknowledged that a compact district shape was "not ... constitutionally required," 509 U.S. at 647, and in *Bush v. Vera*, 517 U.S. 964, the Court concluded that "irregular district lines" could be drawn for "incumbency protection" and "to allocate seats proportionately to major political parties." In Justice Kennedy's concurring opinion in *Vera*, he stated "[d]istricts not drawn for impermissible reasons or according to impermissible criteria may take any shape, even a bizarre one." 517 U.S. at 999.

B. Voting Rights Act.

The question left unanswered by many of the reapportionment cases in the 1990s is how to reconcile the requirements of the 1964 Voting Rights Act (VRA) and the Equal Protection Clause in the area of reapportionment. More specifically, does compliance with the Voting Rights Act provide the type of compelling state interest to help majority-minority districts survive strict scrutiny review?

i. Section 2 of the Voting Rights Act/1965-1982

Section 2 of the VRA prohibits any state or political subdivision from imposing a "voting qualification or prerequisite to voting or standard, practice or procedure ... in a manner which results in the denial or abridgment of the right to vote on account of race or color." In 1982, reacting to a narrow interpretation of the VRA by the U.S. Supreme Court requiring proof of discriminatory intent, the U.S. Congress amended the VRA to require only proof of a discriminatory result based on the totality of the circumstances. A violation under Section 2 of the VRA, therefore, exists if:

Based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by members of ... [a racial, color, or language minority class] ... in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected ... is one circumstance which may be considered: Provided, that nothing in this

section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

The Supreme Court has recognized that manipulation of district lines during the reapportionment process can be the basis for a claim that the voting strength of politically cohesive minority voters has been diluted. Vote dilution may happen as a result of fragmenting the minority voters among several districts where the majority can routinely out-vote the minority voters, or by packing the minority voters into one or a small number of districts to minimize their influence in the neighboring districts. See *Voinovich v. Quilter*, 507 U.S. 146 (1993); *Grove v. Emison*, 507 U.S. 25 (1993). Section 4 thus, prohibits these sorts of line-drawing where its result, "interact[ing] with social and historical conditions, impairs the ability of a protected class to elect its candidate of choice on an equal basis with other voters."

Three threshold conditions are required prior to establishing that a redistricting plan violates Section 2 of the VRA:

- 1) The size and geographic compactness of the minority population must be such as to enable the creation of a single member district in which the minority group can elect a candidate of their choice;
- 2) The minority population is a politically cohesive group; and
- 3) The majority population votes as a bloc to defeat the minority group's preferred candidate.

If a plaintiff establishes that the challenged district meets the above criteria, then the court will examine the "totality of the circumstances" to determine if the device or practice in question results in the dilution of the electoral power of the minority population.

In *Gingles v. Thornburg*, 478 U.S. 30 (1986), the Court reviewed the extensive legislative history of the 1982 Amendments to the VRA, and gleaned the following as important factors in establishing that an electoral device or practice, in the totality of the circumstances, has created or led to vote dilution:

- 1) Extent of any history of official, state discrimination;
- 2) Extent of racial polarization in elections within the state or political subdivision;
- 3) Extent to which the state or political subdivision has used:
 - a) unusually large election districts;

- b) majority vote requirements;
 - c) anti-single shot provisions; or
 - d) other voting practices that enhance the ability of the majority to discriminate against a minority group.
- 4) If there is a candidate slating process, whether the members of the minority group have been denied access to that process;
 - 5) The extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;
 - 6) Whether political campaigns have been characterized by overt or subtle racial appeals;
 - 7) The extent to which members of the minority group have been elected to public office in the jurisdiction;
 - 8) Whether there is a significant lack of responsiveness by elected officials to the particular needs of the group; and
 - 9) Whether the policy underlying the use of the voting qualification, standard, practice, or procedure is tenuous.

The foregoing was simply intended as a general overview of the legal principles governing reapportionment and redistricting and to provide you with a working knowledge of the basic terms and concepts you will need to participate in the redistricting process. Again, the basic tenets to be followed are:

- 1. The four council districts must be contiguous and consecutively numbered;
- 2. Each council district must contain roughly equal population within the deviation permitted under case law;
- 3. The council must not engage in racial gerrymandering; and
- 4. The new council districts must not dilute the votes of minority communities.

NCP:cahb

Plan 11/29/01

City of North Miami

Detailed Statistics for Districts 3 and 4

District	04	03
Population	14,611	14,690
[Change - Population]	451	451
Deviation	359	280
[% Deviation]	2.4%	1.87%
[Hispanic Origin]	3,205	2,623
[Change - Hispanic Origin]	117	117
[% Hispanic Origin]	21.94%	17.86%
NH_Wht	1,141	1,504
[Change - NH_Wht]	78	78
[% NH_Wht]	7.81%	10.24%
NH_BlK	9,629	9,629
[Change - NH_BlK]	239	239
[% NH_BlK]	65.9%	65.55%
[18+ Pop]	9,830	10,028
[Change - 18+ Pop]	315	315
[% 18+ Pop]	67.63%	68.26%
[H18+ Pop]	2,325	1,927
[Change - H18+ Pop]	85	85
[% H18+ Pop]	23.51%	19.22%
[NH18+ Wht]	955	1,286
[Change - NH18+ Wht]	66	66
[% NH18+ Wht]	9.66%	12.82%
[NH18+ BlK]	6,178	6,175
[Change - NH18+ BlK]	151	151
[% NH18+ BlK]	62.47%	61.58%

City of North Miami

Statistics for Proposed Districts

"Plan 11/29/01"

DISTRICT	POPULATION	DEVIATION	DEV. %.	Hispanic Origin	% NH Wht	% NH Blk
1	15,421	451	3.01	24.88%	27.91%	41.50%
2	15,158	188	1.26	27.73%	25.80%	40.25%
3	14,690	-280	-1.87	17.86%	10.24%	65.55%
4	14,611	-359	-2.4	21.94%	7.81%	65.90%

Total Population	59,880
Ideal District Population	14,970
Summary Statistics	
Population Range:	14,611 to 15,421
Ratio Range:	1.06
Absolute Range:	-359 to 451
Absolute Overall Range:	810
Relative Range:	-2.40% to 3.01%
Relative Overall Range:	5.41%
Absolute Mean Deviation:	319.5
Relative Mean Deviation:	2.13%
Standard Deviation:	385.58

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE BOUNDARIES OF CITY COUNCIL DISTRICTS NUMBERED THREE AND FOUR IN ORDER TO DECREASE THE DEVIATION IN POPULATION TOTALS AS REFLECTED IN THE YEAR 2000 FEDERAL CENSUS; PROVIDING FOR REPEAL, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to City Charter Article II, Section 5, the Mayor and City Council shall, by Ordinance, establish the districts regarding single-member councilperson representation; and

WHEREAS, the City's consultant has reviewed all applicable Year 2000 Census data, and the City's Planning Commission has recommended an amendment to the District Boundaries of Districts 3 and 4 in order to reduce the deviation in population between the City's four districts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI:

Section 1. That the district boundaries for Districts 3 and 4 in the City of North Miami are amended pursuant to the Single-Member District Map and accompanying 2000 U.S. Census Block Description, attached as composite Exhibit "A," and incorporated in this Ordinance.

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent herewith are repealed.

Section 3. Severability. If any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this Ordinance.

Section 4. Effective Date. This Ordinance shall be effective upon adoption, and shall be applicable commencing with the City of North Miami general election scheduled for May, 2003.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council on first reading
this 22 day of January, 2002.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council on second
reading this _____ day of _____, 2002.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

[Signature] 1/17/02
CITY ATTORNEY